

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claim 20 has been revised so as to make reference to the healing of incisional dermal wounds and to administration by intradermal injection. The claim as presented is fully supported by an enabling disclosure (e.g., note Example 2).

Claims 23, 27 and 32-35 have been cancelled without prejudice.

Claim 22 stands rejected under 35 USC 112, second paragraph, as allegedly being indefinite. The language to which the Examiner objects is found in claim 23 rather than 22 (which was cancelled in the Amendment filed May 28, 2008). Thus, it is believed that claim 23 was intended. The above-noted cancellation of claim 23 renders the rejection moot.

Claim 23 stands objected to as being of improper dependent form and claim 35 stands objected to based on a misspelling. Cancellation of these claims renders the objections moot.

Claims 20, 23, 25-27 and 31-35 stand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted revision of claim 20, cancellation of claims 23, 27 and 32-35 and further in view of the comments that follow.

Claim 20 has been revised, as noted above, to indicate that up to about 5ng of Activin is administered intradermally per centimeter of an incisional dermal wound. That Applicant had possession of the subject matter of the claim is particularly evident from Example 2. As the Examiner acknowledges, the wounds treated in Example 2 were incisional wounds and the injections described were intradermal.

In view of the above, reconsideration and withdrawal of the rejection is requested.

Claims 20, 23, 25-27 and 31-35 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is submitted to be in order in view of the limitation of claim 20 to intradermal administration of the specified amount of Activin to an incisional dermal wound and the cancellation of claims 23, 27, and 32-35. The revisions render moot the Examiner's concern regarding an alleged lack of clarity as to how the amount of Activin to be administered to a non-linear wound or fibrotic disorder would be determined. Accordingly, reconsideration is requested.

The Examiner contends that Applicant has not complied with one or more conditions for receiving benefit of an earlier filing date under 35 USC 120 as the disclosure of the prior filed application allegedly "fails to provide adequate support or enablement" as required by 35 USC 112, first paragraph. The Examiner further contends that this application should be designated a continuation-in-part and that a new oath/declaration should be submitted. While in no way agreeing with the Examiner's assertions, it is submitted that claim 20 as now presented is fully supported by the disclosure of the parent (and present) case and that Applicant's claim for priority is entirely appropriate. The Examiner is requested to acknowledge that such is the case in the next communication.

The Examiner's comments regarding the prior rejections based on Mitrani and De Krester are noted. As Applicant understands it, the prior rejections under 35 USC 102 and 103 have been withdrawn.

This application is submitted to be in condition for allowance and a Notice to that effect is requested. If the Examiner finds any issues to remain outstanding, he is urged to contact the undersigned by phone so that they can be resolved.

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